

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALONZO A. VOELKER

v.

C.A. No. 01-621-T

UNITED STATES OF AMERICA

ORDER DENYING MOTION TO CORRECT JUDGMENT

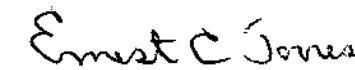
Alonzo Voelker's motion, pursuant to Fed. R. Civ. P. 60(b), to correct this Court's October 21, 2003, judgment dismissing his petition for relief pursuant to 28 U.S.C. § 2255 is hereby DENIED for the following reasons:

1. Voelker has previously filed a § 2255 petition, which was denied on October 21, 2003.
2. Although denominated as a motion to correct judgment, Voelker's instant petition also challenges the constitutionality of his underlying conviction and, therefore, is a successive petition. See United States v. Saccoccia, 2004 U.S. Dist. LEXIS 15084, at *3-5, 2004 WL 1764556, at *2 (D.R.I. Aug. 2, 2004) (citing Rodwell v. Pepe, 324 F.3d 66, 67 (1st Cir. 2003), cert. denied, 540 U.S. 873 (2003)).
3. A successive § 2255 petition may not be filed in the District Court unless the petitioner first obtains permission from the Court of Appeals. Id. at *5-6, 2004 WL 1764556, at *2 (citing 28 U.S.C. § 2255).

By Order


Deputy Clerk

ENTER:


Ernest C. Torres
Chief Judge

Date: 4/6/06 , 2006